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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,485	05/17/2005	Deborah Jane Cooke	C4265(C)	3943

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EXAMINER	
KHAN, AMINA S	
ART UNIT	PAPER NUMBER
1751	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

C

Office Action Summary	Application No.	Applicant(s)	
	10/535,485	COOKE ET AL.	
	Examiner	Art Unit	
	Amina Khan	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6 and 8-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6 and 8-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/18/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicant's amendments filed on February 16, 2007.

2. Claims 1-3,5,6 and 8-10 are pending. Claims 4 and 7 have been cancelled. Claims 1 and 3 have been amended.

3. Claims 1-3,5,6,8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppert et al. (US 4,441,881) for the reasons set forth in the previous office action.

4. Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakatani (US 4,450,499) for the reasons set forth in the previous office action.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppert et al. (US 4,441,881) and further in view of Bettiol et al. (WO 00/65015) for the reasons set forth in the previous office action.

6. Claims 1,2,8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lähteenmäki et al. (WO 99/61479) for the reasons set forth in the previous office action.

Response to Arguments

7. Applicant's arguments filed regarding the Ruppert et al. and Bettiol et al. have been fully considered but they are not persuasive.

The applicant's argue:

> "The skilled artisan would know that soil release/shield and colour care are assessed using completely different testing methods on different substrates/fabric. In this respect, soil testing typically is carried out on white fabrics, so that the detergency measurements are more robust. The results from a soil release/shield test would not have provided any indication of colour care benefits of a particular compound/composition. In other words, there is no "obvious" link between soil release/shield and colour care properties. This is evidenced by the fact that sodium carboxymethylcellulose has good soil release/shield properties but provides no colour care benefit at all. It is respectfully submitted that the teaching in Ruppert in relation to soil release/shield, therefore, would have provided no useful information suggestion or teaching in relation to colour care. Thus, the skilled person reading Ruppert would not have been led or motivated to provide a method of treating coloured fabrics that comprises contacting the fabrics with a main wash liquor comprising a hydroxy C2-C4 alkyl derivative of a/Y-1,4 polysaccharide. Thus, it is respectfully submitted that claims 1 to 10 as amended are novel and unobvious over the disclosure of Ruppert."

The examiner respectfully disagrees. Ruppert et al. teach treating fabrics during laundering processes with similar compositions comprising similar components at similar percentages. It is well known that during conventional laundering both colored (black) and white fabrics are routinely treated, these fabrics encompassing a wide range of luminance values including those instantly claimed. Ruppert et al. provide no indication in the specification that only white fabrics are to be treated. Furthermore treating similar fabrics with similar compositions comprising similar benefit agents would obviously provide the treated fabrics with similar care benefits. The teachings of Ruppert indicate improved soil release benefits, but would obviously provide color care

benefits as well. Colored fabrics must also be treated to remove soils. The applicant has not provided a showing to the contrary.

One of ordinary skill would have been motivated to substitute the polymers of Bettiol into the detergent compositions of Ruppert because the references are both directed towards efficiently laundering fabrics to remove soils. The compositions would obviously provide the benefit of color care as well. The rejections over Ruppert and Ruppert in view of Bettiol are maintained.

8. Applicant's arguments filed regarding the Sakatani have been fully considered but they are not persuasive.

The applicant's argue:

> "Applicants respectfully submit that the skilled artisan would know there is no link between fabric softness and colour care properties. Thus, the results from a fabric softness test would not have provided any indication of colour care benefits of a particular compound/composition. Furthermore, the skilled person reading Sakatani, et al., would have understood that in the compositions that document describes, the softness is delivered primarily by the quaternary ammonium salt and that the cellulose derivative was included simply to aid the dispersion of the quaternary ammonium salt when added to water, This is clear from the fact that the cellulose derivative is added to molten quaternary ammonium salt prior to use. Thus, the skilled person reading Sakatani, et al., would have understood that the cellulose derivative had dispersion aid properties only and did not directly provide any beneficial properties to the fabric. He certainly would not have been led to select the cellulose derivative to provide colour care properties. The skilled person reading Sakatani, et al., therefore, would not have been led to include the cellulose derivatives that document describes in a detergent composition in the expectation of providing beneficial fabric care benefits, let alone in the expectation of providing colour care benefits. Thus, it is respectfully submitted that the claims as amended are novel and unobvious over the disclosure of Sakatani, et al."

The examiner respectfully disagrees. Sakatani et al. teach treating fabrics during laundering processes with similar compositions comprising similar components at similar percentages. It is well known that during conventional laundering both colored

(black) and white fabrics are routinely treated, these fabrics encompassing a wide range of luminance values including those instantly claimed. Furthermore treating similar fabrics with similar compositions comprising similar benefit agents would obviously provide the treated fabrics with similar care benefits. The teachings of Sakatani indicate improved softness benefits, but would obviously provide color care benefits as well. The applicant has not provided a showing to the contrary. The rejections over Sakatani are maintained.

9. Applicant's arguments filed regarding the Lahteenmaki have been fully considered but they are not persuasive.

The applicant's argue:

> "The Examiner has acknowledged that Lahteenmaki, et al., is silent about the colour and luminance of the fabrics that can be treated using the detergent compositions it describes, as welt as about the concentration of the hydroxy C2~C4 alkyl derivative of the /~1,4 polysaccharide in the main wash liquor. As discussed at page 5, lines 13 to 17 of the present application, these two aspects represent a surprising result of the invention, i.e. the use of relatively low levels of specific hydroxy alkyl polysaccharides to give benefits in a wash liquor in terms of reduced fabric abrasion and reduced dye pick-up for coloured cloth, Therefore, it is respectfully submitted that the instant amended claims cannot be considered obvious in view of the teaching of Lahteenmaki, et al., since that document is silent in relation to both of these surprising aspects of the invention."

The examiner respectfully disagrees. The claims as currently drafted do not limit the polysaccharides to only hydroxyethyl celluloses. The claims recite that the C2-C4 alkyl derivative is a hydroxyl ethyl derivative, indicating the hydroxyl ethyl component may still be derivatized. Therefore the modified hydroxyethyl celluloses taught by Lahteenmaki meet the instant claims. Furthermore, while the detergents comprise 0.1-5% of the modified cellulose ether, the wash cycle would contain a large quantity of

water which would dilute the detergent into a wash liquor composition comprising cellulose ether at the instantly claimed concentrations. The applicant has not provided a showing to the contrary. The rejections over Lahteenmaki are maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK
April 10, 2007

LORNA M. DOUYON
PRIMARY EXAMINER